



Attorney Docket No. 172.2USDC2  
BEST AVAILABLE  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bischofberger et al.

Serial No.: 09/801,164 Group No.: 1653

Filed: March 7, 2001 Examiner: D. Lukton

For: Nucleotide Analogs

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JAN 15 2002  
TECH CENTER 1600/2900

Assistant Commissioner for Patents

Washington, D.C. 20231

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is

- a small entity - verified statement:  
 attached.  
 already filed.  
 other than a small entity.

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CERTIFICATE OF MAILING (37 CFR 1.8 (a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Robin Torres

(Type or print name of person mailing paper)

Date: November 30, 2001

(Signature of person mailing paper)

**EXTENSION OF TERM****BEST AVAILABLE COPY**

3. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply

- (a)  Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17 (a)-(d)) for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input type="checkbox"/> one month	\$110.00	\$55.00
<input type="checkbox"/> two months	\$400.00	\$200.00
<input type="checkbox"/> three months	\$920.00	\$460.00
<input checked="" type="checkbox"/> four months	\$1,440.00	\$720.00
	Fee \$	<u>1,440.00</u>

If an additional extension of time is required please consider this a petition therefor.

An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

**OR**

- (b)  Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

### FEE FOR CLAIMS

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4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY	OTHER THAN A SMALL ENTITY
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA RATE	ADDIT. FEE	OR RATE
TOTAL *      1	MINUS **      20	= 0	X 9 = \$	X18= \$ 0
INDEP. *      1	MINUS **      3	= 0	X42= \$	X84= \$ 0
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			+140= \$	+280= \$

- (c)  No additional fee for claims is required.

OR

- (d)  Total additional fee for claims required \$ \_\_\_\_\_

### FEE PAYMENT

5.  Attached is a check in the sum of \$ \_\_\_\_\_

- Charge Account No. 07-1250 the sum of \$ 1,440.00

A duplicate of this request is attached.

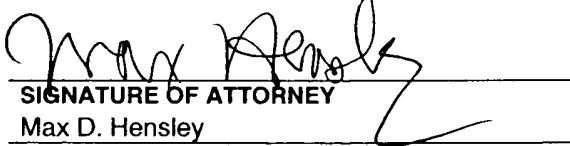
### FEE DEFICIENCY

6. Authorization to Charge Additional Fees

- The Commissioner is hereby authorized by this document to charge any additional fees which may be required by this paper and during the entire pendency of this application to Account No. 07-1250, except the issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311 (b).

Reg. No. 27,043

Tel. No.: (650) 522-5878

  
**SIGNATURE OF ATTORNEY**  
 Max D. Hensley  
 Type or print name of attorney  
 Gilead Sciences, Inc.  
 333 Lakeside Drive  
 P.O. Address  
 Foster City, CA 94404

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

1/39/01  
Exon  
FF5

Robin Torres

(Type or print name of person mailing paper)

Date: November 30, 2001

Robin Torres

(Signature of person mailing paper)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Bischofberger et al.

Serial No: 09/801,164

Filed: March 7, 2001

Title: NUCLEOTIDE ANALOGS

) Group Art Unit: 1653  
)  
)  
Atty. Docket No. 172.2USDC2  
)  
Examiner: D. Lukton  
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)  
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RESPONSE

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This is responsive to the Patent and Trademark Office action mailed July 5, 2001. A request for a four month extension of time accompanies this response, whereby the time for reply is extended until December 5, 2001.

Applicants were required to elect a species. Applicants elect the compound of formula 2 in which R is phenyl, R34 is H, and B is cytosinyl.

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An early action on the merits is solicited.

Respectfully submitted,



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Max D. Hensley, Reg. No. 27,043  
Gilead Sciences, Inc.  
333 Lakeside Drive  
Foster City, CA 94404  
Telephone: (650) 522-5878  
Facsimile: (650) 522-5575  
email: max\_hensley@gilead.com

Date: 11-30-01